



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200101450

Date: August 20, 2003

Notice No. 03-42

Closing Date: September 8, 2003

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: BP Pipeline MWBU
4421 Bradley Road
Cleveland, OH 44109

AGENT:

Ercon, Inc.
13120 Hempstead Road
Houston, TX 77040
3. LOCATION: in an unnamed tributary to Michael J. Kirwan Reservoir, near Wayland, Portage County, Ohio.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant is proposing to repair four pipeline exposures and one small area where head cuts on one bank are threatening to expose a fifth section of pipe; all on the same line. The pipeline crosses the stream at varying angles at each exposure. All four exposures are suspended and require a design which allows for low flow conditions under the pipeline without unnecessary restrictions during high flow events. The scope of work includes: drying the pipeline area for inspection; fill, reinforce and contour the area, including culverts to an acceptable slope; install filter fabric and Ecoflex Articulating Grout mat over the prepared area; and inflate the fabric form with suitable grout. A total of 500 feet of stream will be impacted. The pipeline is located on lands owned by the US Government as part of the Michael J. Kirwan Dam and Reservoir and is leased to the Ohio Department of Natural Resources as part of West Branch State Park. Drawings of the proposed project are attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
P.O. Box 1049
Columbus, Ohio 43266-0149

Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

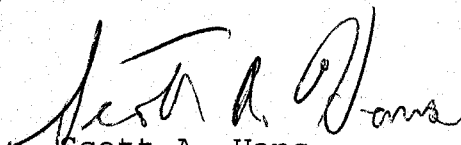
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics,

general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Nancy Mullen, at the above address, by telephoning (412) 395-7170, or by e-mail at Nancy.J.Mullen@lrp02.usace.army.mil. Please refer to CELRP-OR-F 200101450 in all responses.

FOR THE DISTRICT ENGINEER:

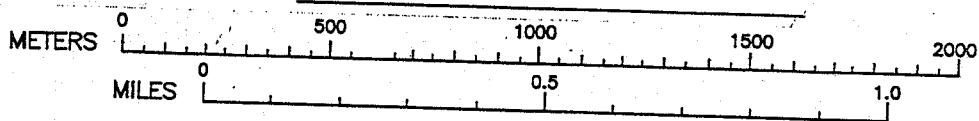


Scott A. Hans
Chief, Regulatory Branch



TAKEN FROM U.S.G.S. QUAD. "DEERFIELD, OHIO".

VICINITY MAP



Prepared by: ERCON, INC.

PROPOSED ECO-FLEX^{T.M.}
ARTICULATING GROUT MAT

TRIBUTARY TO MICHAEL J. KIRWAN RESERVOIR
PORTAGE COUNTY, OHIO

Application by: BP PIPELINES MWBU

REF. TO DWG. 4781

AUGUST 6, 2003.

200101450

25' WIDE X 50' LONG
ECO-FLEXTM. ARTICULATING
GROUT MAT

30' WIDE X 85' LONG
ECO-FLEXTM. ARTICULATING
GROUT MAT

50' WIDE X 90' LONG
ECO-FLEXTM. ARTICULATING
GROUT MAT

25' WIDE X 35' LONG
ECO-FLEXTM. ARTICULATING
GROUT MAT

50' WIDE X 240' LONG
ECO-FLEXTM. ARTICULATING
GROUT MAT

8" PRODUCTS LINE

P L A N

50' 0 50'



Prepared by: ERCON, INC.

PROPOSED ECO-FLEXTM.
ARTICULATING GROUT MAT

TRIBUTARY TO MICHAEL J. KIRWAN RESERVOIR
PORTAGE COUNTY, OHIO
Application by: BP PIPELINES MWBU

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